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EXAMINER

BHATTACHARYA, SAM

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,475

Applicant(s)

HAWKINS ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 12-19,21-28,31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,20,29,30 and 33-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 33, 34, 36, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (US 5,797,089).

As to claims 33 and 44, Nguyen discloses a method for operating a personal electronic device, the personal electronic device including a lid, a power button, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

responsive to the lid being opened, when the device is off, activating the device and executing by the processor a first user-selectable application or mobile phone application stored in the memory of the personal electronic device (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of the power button, when the device is off, activating the device and executing by the processor a second user-selectable application or mobile phone application stored in the memory of the personal electronic device (see Col. 7, lines 4-12).

As to claim 34, Nguyen discloses that the personal electronic device further includes a mobile telephone and an activity status of the mobile phone is not changed by opening the lid or activating the power button for the device (see Col. 4, lines 30-42).

As to claim 36, Nguyen discloses that the first user-selectable and second user-selectable application default to a phone related application, but an activity status of a mobile phone in the personal electronic device is not affected by opening the lid (see Col. 5, lines 49-60).

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As to claim 45, Nguyen discloses that activating the device when the power button is off occurs when the lid is closed, so that the PDA operates as a mobile phone when the lid is closed (see Col. 4, lines 50-58).

As to claim 47, Nguyen discloses application buttons that are physical buttons. See FIG. 1.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 7-11, 20, and 29, 30, 35, 37-39, 40-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US 5,797,089) in view of Boesen (US Patent Application Publication 2001/0027121 A1).

As to claim 1, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a power button that activates the PDA, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

responsive to the lid being opened, activating the PDA and executing by the processor a first application stored in the memory of the PDA (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of the PDA power button, activating the PDA and executing by the processor a second application stored in the memory of the PDA (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

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Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 2, the Nguyen reference discloses the method of claim 1, wherein the first application and the second application are the same application (at steps 67 and 75, with power on the telephone powered on, the PDA passes the telephone number to the telephone unit for wireless telephone function (see Col. 6, line 66 to Col. 7, line 3, Col. 7, lines 17-21, and Figure 4)).

As to claim 7, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, at least one application button, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

responsive to the lid being opened, activating the PDA and executing by the processor a first application stored in the memory of the PDA (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of one of the application buttons, activating the PDA and executing by the processor a second application stored in the memory of the PDA, the second

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application associated with the activated application button (see Col. 5, lines 49-60 and Col. 7, lines 13-21).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 8, the Nguyen reference discloses the method of claim 7, wherein the PDA additionally includes a power button (see Figure 2), the method further comprising:

responsive to activation of the power button, activating the device and executing by the processor a second application stored in the memory of the PDA (see Col. 7, lines 4-12).

As to claim 9, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising: responsive to the lid being opened, activating the device and executing by the processor a first application stored in the memory of the PDA (see Col. 6, lines 58 to Col. 7, line 3).

However, it does not disclose the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application. The Boesen reference teaches the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application (see page 2, col. 2, paragraph [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen wherein the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application, as taught by Boesen, in order to notify a person of appointments or incoming messages.

As to claim 10, Nguyen-Boesen discloses the method of claim 9, wherein the PDA additionally includes a power button (Nguyen: see Figure 2), the method further comprising:

responsive to activation of the power button, activating the device and executing by the processor a second application stored in the memory of the PDA (Nguyen: see Col. 7, lines 4-12).

As to claim 11, Nguyen-Boesen discloses the method of claim 9, wherein the PDA further includes at least one application button (Nguyen: see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method further comprising:

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responsive to activation of one of the application buttons, activating the device and executing by the processor a second application stored in the memory of the PDA, the second application associated with the activated application button (Nguyen: see Col. 5, lines 49-60 and Col. 7, lines 13-21).

As to claim 20, the Nguyen reference discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a wireless communication module, a processor, a memory, and a plurality of applications stored in the memory (see Col. 3, line 56 to Col. 4, line 63, and Figures 2 and 3), the method comprising:

determining that the lid has been opened (see Col. 6, lines 45-49 and lines 58-61);

responsive to the lid having been opened:

turning on the PDA (see Col. 7, lines 4-12); and

automatically launching a phone application (see Col. 7, lines 4-21).

As to claim 29, Figures 2 and 3 in Nguyen show an integrated personal digital assistant (PDA) (10) comprising:

a base (22) (see Col. 3, lines 56-63 and Col. 4, lines 7-16);

a processor (43), for executing software instructions on the PDA (see Col. 4, line 59 to Col. 5, line 9);

a memory (41, 46), for storing software instructions to be executed by the processor (see Col. 4, line 59 to Col. 5, line 9);

a plurality of applications stored in the memory (see Col. 4, line 59 to Col. 5, line 9),

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a lid (21), coupled to the base (22), for activating the PDA when opened, and causing the processor to execute a first application stored in the memory (see Col. 6, lines 58 to Col. 7, line 3); and

a power button (25), coupled to the base, for activating the device when pressed, and causing the processor to execute a second application stored in the memory (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 30, the Nguyen reference discloses a computer program product stored on a computer readable medium for operating an integrated personal digital assistant (PDA) device (see Col. 4, line 59 to Col. 5, line 9), the computer program product controlling a processor coupled to the medium to perform the operations of:

responsive to a lid of the device being opened, activating the PDA and executing a first application stored in the memory of the device (see Col. 6, lines 58 to Col. 7, line 3); and

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responsive to activation of the PDA power button, activating the PDA and executing a second application stored in the memory of the device (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claims 35, 39 and 40, Nguyen fails to disclose that the lid of the device has a window 11 therein large enough to see a personal electronic device or PDA screen when the lid is closed.

However, Boesen discloses a combination cellular phone, PDA and pager that includes a window 4 large enough to see PDA a screen when the lid is closed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including a window that exposes the PDA screen, as taught by Boesen, so that the user does not have to flip open the device to view all relevant information on the screens.

As to claims 37, 38, 42 and 43, Nguyen discloses that the first user-selectable and second user-selectable application default to a phone related application, but an activity status of a mobile phone in the personal electronic device is not affected by opening the lid (see Col. 5, lines 49-60).

As to claim 41, Nguyen discloses activating a mobile phone responsive to activation of a PDA power button (see col. 7, lines 4-6 and 16-19).

As to claim 46, Nguyen fails to disclose that at least one application button is displayed on a touch screen.

However, Boesen discloses a PDA portion in which application buttons are displayed on a touch screen 38. See FIG. 5 and paragraph [0047]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including a touch screen having application buttons, as taught by Boesen, so that additional functionality can be provided in the device without increasing the clutter of physical buttons on the device.

5. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Boesen and Takahashi (U.S. Patent 6,662,244).

As to claim 3, Nguyen-Boesen discloses the method of claim 1. However, it does not disclose the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA. The Takahashi reference teaches the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog

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rocker, activating the device and executing by the processor a second application stored in the memory of the PDA (see Col. 3, lines 27-30, Col. 6, lines 1-3, Col. 7, lines 8-28, and Figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Boesen wherein the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA, as taught by Takahashi, in order to control the input/display mode by means of a jog dial.

As to claim 4, Nguyen-Boesen discloses a method for operating a personal digital assistant (PDA), the PDA including a lid, a processor, a memory, and a plurality of applications stored in the memory, the method comprising:

responsive to the lid being opened, activating the device and executing by the processor a first application stored in the memory of the PDA; and

However, it does not disclose the PDA includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA. The Takahashi reference teaches the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA (see Col. 3, lines 27-30, Col. 6, lines 1-3, Col. 7, lines 8-28, and Figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Boesen wherein the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker,

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activating the device and executing by the processor a second application stored in the memory of the PDA, as taught by Takahashi, in order to control the input/display mode by means of a jog dial.

As to claim 5, Nguyen-Boesen-Takahashi discloses the method of claim 4, wherein the PDA further includes at least one application button (Takahashi: see Figure 9), the method further comprising:

responsive to activation of one of the application buttons, activating the device and executing by the processor a second application stored in the memory of the PDA, the second application associated with the activated application button (Takahashi: see Col. 7, lines 18-28).

As to claim 6, Nguyen-Boesen-Takahashi discloses the method of claim 4. However, it does not disclose the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application.

The Boesen reference further teaches the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and executing by the processor the alarm application (see page 2, col. 2, paragraph [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Takahashi-Boesen wherein the plurality of applications stored in the memory includes an alarm application, and the method further comprises: responsive to a signal from the alarm application, activating the device and

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executing by the processor the alarm application, as taught by Boesen, in order to notify a person of appointments or incoming messages.

Response to Arguments

6. Applicant's arguments filed on 1/9/06 have been fully considered but they are not persuasive.

Regarding claims 33, 34, 36, 44 and 45, Applicant states that there is no hint or suggestion in Nguyen of causing something to happen in response to opening the lid, that there is no teaching of executing an application in response to the lid being opened, no technique of providing ways to activate a first application by opening a lid and a second application by pressing a power button, no technique of providing two ways to activate a mobile phone application including pressing a power button and opening a lid, and no technique of using the open/closed state of the device to select between a first and second application to be activated.

Examiner respectfully disagrees. As shown in FIG. 4 and clearly stated on col. 6, lines 58-61, step 61 detects whether the PDA is in the open position, and if it is open the step 65 determines whether the power is on. This contradicts Applicant's statement that Nguyen does not cause something to happen in response to opening the lid. Step 71 enables PDA functions, thus executing applications in response to the lid being opened. Step 69 enables a fax phone function in response to the phone power button being pressed on. Step 67 also enables the normal cellular phone when the PDA power is off and the phone power is on. Accordingly, Nguyen activates a mobile phone application including pressing a power button and opening a lid. As for the feature of using the open/closed state of the device to select between a first and

second application to be activated, this limitation is not cited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 1, 2, 7-11, 20, 29, 30, 35, 37-39, 40-43 and 46, Applicant states that there is no hint or suggestion in Nguyen or Boesen of causing something to happen in response to opening the lid, that there is no teaching of executing an application in response to the lid being opened, no technique of providing ways to activate a first application by opening a lid and a second application by pressing a power button.

Examiner respectfully disagrees. As already explained above, as shown in FIG. 4 and clearly stated on col. 6, lines 58-61, step 61 detects whether the PDA is in the open position, and if it is open the step 65 determines whether the power is on. This contradicts Applicant's statement that Nguyen does not cause something to happen in response to opening the lid. Step 71 enables PDA functions, thus executing applications in response to the lid being opened. Step 69 enables a fax phone function in response to the phone power button being pressed on.

With respect to Boesen, Applicant states there is no discussion of using buttons to activate particular applications depending on the open/closed state of the device.

Examiner respectfully disagrees. Boesen states that keypad buttons 22 and PDA buttons 24 are available when the device is closed. Boesen further explains that these buttons provide standard functions available in cell phones and personal electronic devices. See paragraphs 43 and 52. Since particular applications are activated in response to the pressing of keypad and PDA buttons, Boesen does in fact disclose that these applications depend on the open/closed state of the device.

Regarding claim 9, Applicant further states that Boesen does not disclose activating an alarm application in response to a signal from the alarm application.

Examiner respectfully disagrees. Based on Examiner's understanding of this limitation as recited, a signal from the alarm application causes an alarm to activate. This is clearly taught in paragraph 46 of Boesen since an incoming notification causes the vibration alarm application to activate the vibration alarm.

Regarding claim 20, Applicant further states that there is no hint or suggestion in Nguyen of turning on the device and automatically launching a phone application in response to the lid being opened.

Examiner respectfully disagrees. Nguyen discloses for example that the PDA keyboard is turned on in response to a sequence including the lid being opened. Moreover, step 67 in FIG. 4 enables normal cell phone functions when the phone power is on. See col. 7, lines 4-21.

Regarding claim 4, Applicant states that there is no teaching or suggestion in Takahashi of using a jog dial as a trigger for activating a PDA and executing an application.

Examiner respectfully disagrees. Takahashi clearly discloses that triggering the jog rocker activates the circuits of the PDA and also enables the switching of different modes and executes an application by the control section 21. See col. 6, lines 1-3 and col. 7, lines 8-28.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GEORGE ENG
SUPERVISORY PATENT EXAMINER